

Max O. Cogburn Jr.
United States District Judge

JURY TRIAL CHECKLIST FOR PRETRIAL CONFERENCE

	Plaintiff	Defendant
a. Trial briefs	_____	_____
b. Exhibit Lists	_____	_____
c. Witness Lists	_____	_____
d. Verdict Sheets	_____	_____
e. JURY INSTRUCTIONS:	_____	_____

POTENTIAL PROBLEMS CHECKLIST

a. Witness Issues	_____	_____
b. Exhibit Issues	_____	_____
c. Personal Issues	_____	_____
d. Exclusion of Witnesses	_____	_____
e. Unresolved issues of law	_____	_____
f. Familiarity with Elmo	_____	_____
g. Exhibit Notebooks	_____	_____

FEDERAL JURY TRIAL ISSUES

- a. Time Estimate for Plaintiff's Case in Chief _____
- b. Time Estimate for Defendant's Case _____
- c. Qualification of Experts or Daubert Issues _____
- d. In accordance with the Federal Rules, we seat an 8 person jury, with all eight deliberating, with the possibility that two could be dropped and the case decided by 6. Fed.R.Civ.P. 48. We make no distinction as to alternates in civil cases.
- e. In federal court, each side gets **three peremptory challenges**, unless the court finds that there are multiple parties on a side that have conflicting interests. 28 U.S.C. § 1870.
- f. The jury is not passed by a party until they are satisfied with each member. Once they pass on a juror, they cannot later challenge that juror.
- g. If they settle the case in a manner that results in the court paying fees and travel without a jury being seated, the court will impose those costs on the parties for the entire panel. Settlement deadline is noon Friday, the week before the jury is picked.
- h. Picking a jury in federal court is governed by Rule 47(a), Federal Rules of Civil Procedure, and federal judges play a more active role in jury questioning. The court does not allow the "town meeting" or "matrix" approach to picking juries, and each side will be given a limited amount of time to question potential jurors. (Typically 30 minutes)
- i. After the jury is seated and sworn, the court will give an opening charge briefly describing the case and the roles of the various parties in the courtroom.
- j. After the opening charge, the jury will be with plaintiff for an opening statement (typically 30 minutes). Defendant will also be given such an

- opportunity, but may waive such right and present such opening at the beginning of defendant's case. (typically 30 minutes)
- k. The court will have a charging conference after all the evidence has been submitted and before counsel present their closing statements.
 - l. Closing statements are typically 45 minutes per side total.
 - m. Have the parties fully mediated this case and is there any possibility of settlement before the court begins investing time in trial preparation.

TRIAL TO COMMENCE AT 9:30 a.m. on the First Day of the Term and at 9:00a.m. each other day.